

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN A. SCHAUPP and OPAL)	7:05CV5019
SCHAUPP, Husband and Wife, and)	
CONTINENTAL WESTERN)	
INSURANCE COMPANY,)	
)	
Plaintiffs,)	
)	
v.)	MEMORANDUM
)	AND ORDER
CELSTAR GROUP, INC., a Foreign)	
Corporation, and CONSOLIDATED)	
FLEET SERVICES, INC., a Foreign)	
Corporation,)	
)	
Defendants.)	

This action was initially filed in the District Court of Scotts Bluff County, Nebraska and was removed to this court pursuant to a notice of removal filed by defendant Celstar Group, Inc. (Filing 1.) It appears that notice of removal was not served upon defendant Consolidated Fleet Services, Inc. (See filing 1 & filing 20 ¶ 5.) Consolidated Fleet Services has filed a motion to remand this action to the District Court of Scotts Bluff County, Nebraska (filing 20). Celstar Group, the party which initially filed the notice of removal, has consented to the motion for remand to state court. (Filing 23.) All plaintiffs have consented to the motion for remand as well. (Filing 22.) As all parties are in agreement, I will remand this action to state court.

A motion to dismiss for lack of jurisdiction has been filed in this court by Celstar Group (filing 10), and the parties have been granted leave to conduct jurisdictional discovery (filing 17). As this action will be remanded to state court, I

will deny the motion to dismiss for lack of jurisdiction as moot, and find that there is no need for further jurisdictional discovery in this court.

IT IS ORDERED:

1. The motion in filing 20 is granted, and this action is remanded to the District Court of Scotts Bluff County, Nebraska (Doc. No. 19077, Case ID: CI 05 563);
2. The motion to dismiss in filing 10 is denied as moot;
3. Jurisdictional discovery in this court shall cease;
4. A judgment of remand shall be entered by separate order; and
5. The Clerk of the Court shall send copies of this order and the accompanying judgment to the Clerk of the District Court of Scotts Bluff County, Nebraska

November 2, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge